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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,664	01/17/2002	Samuel I. Brandt	2001P16949 US01	1208

7590 08/01/2006

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EXAMINER

JABR, FADEY S

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,664	Applicant(s) BRANDT ET AL.	
	Examiner Fadey S. Jabr	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims **1-28** are pending and again presented for examination.

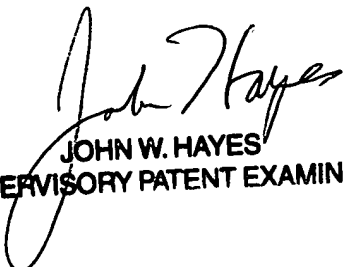
1. In view of the Appeal Brief filed on 24 March 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Drawings

1. The drawings are objected to because Figure 1 is believed to be prior art but is not designated as being prior art. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims **1, 2, 9, 11, 20-21 and 26-28** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims were amended to recite the limitation, “without scheduling said performance and associated intervening scheduling time delay”, which was not found in the specification. In fact, the specification contradicts the claims. For instance, Figures 4 and 5 of the current application, recite “initiate scheduling of performance ...”.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims **1, 11, 20, 26 and 28-29** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claims 1, 11, 20 and 28-29**, the Applicant recites “In a system...”, and “a method performed...” which is vague and indefinite. It is unclear to the Office which statutory class the Applicant is attempting to claim. One would be led to believe from the preamble that a system is being claimed, while the dependent claims are method claims. Appropriate correction is required in the indicated claims and any subsequent claims.

As per **Claims 1, 11, 20, 26 and 28-29**, the recitation “potentially” is vague and indefinite. It is unclear to the Office whether the event represents a change in circumstances

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affecting healthcare or not. Appropriate correction is required in the indicated claims and any subsequent claims.

As per **Claim 2**, recites the limitation "predetermined" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required in the indicated claims and any subsequent claims.

As per **Claim 21**, the recitation "initiating processing of said second process from said particular individual task" is vague and indefinite. It is unclear to the Office how the Applicant is initiating processing of second process *from* a particular individual task. Appropriate correction is required in the indicated claim and any subsequent claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **1-2, 5, 9-15, 18, 25-26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., U.S. Patent No. 6,458,080 B1.

As per Claims 1, 9-11, 26 and 28, Brown et al. discloses a method comprising:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient (C. 6, lines 13-29, 45-60; C. 7, line 36-C. 8, line 16);
- receiving a message identifying occurrence of said event and at least one parameter associated with said event (C. 6, lines 13-17; C. 8, lines 47-65);
- determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event (C. 8, lines 47-65); and
- determining by using said repository, whether said identified event is associate with a particular process of a plurality of predetermined processes (C. 7, lines 36-65; C. 8, lines 47-65);
- providing said parameter to said particular process in response to said determination said identified event is associated with said particular process (C. 7, lines 36-65; C. 8, lines 47-65);
- a communication interface for receiving a message identifying occurrence of said event (C. 6, lines 3-5);
- an event analyzer for using said at least one repository and for applying predetermined rules to interpret said identified event to determine a particular sequence of tasks to be performed in response to receiving said message identifying occurrence of said identified event (C. 5, lines 15-29); and

- in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of another task sequence being performed (C. 7, lines 62-65).

Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual. However, Brown et al. discloses scheduling a task to a task list according to task priority, available time, financial and health allowances for a user to perform. Though, if a scheduling time is not determined, prompting the user to make a manual scheduling decision (C. 7, lines 36-47; C. 9, lines 27-38). In addition, Brown et al. discloses a meeting request where there are conflicting tasks at the required meeting time. Seeing as the meeting has a higher priority, the meeting supersedes the conflicting tasks, and one of the conflicting tasks (picking up dinner) is done without scheduling in order to clear time for the meeting according to certain criteria (C. 8, lines 47-65; see also Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include executing a task without scheduling the task, because it allows the system to execute tasks with higher priority and reschedule other less important tasks.

As per **Claim 2**, Brown et al. further discloses including in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of an existing task sequence being performed (C. 7, lines 62-65);

As per **Claim 5 and 14**, Brown et al. fails to explicitly disclose including the activities of filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient and excluding other messages immaterial to said healthcare delivered to said patient. However, Brown et al. discloses filtering through a menu received from a server, and also filtering through electronic preferences and health profile for relevant preferences of a patient (C. 15, lines 18-23; C. 22, lines 22-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include using a filter to filter for relevant information associated with a patient, because it allows the physician to more accurately determine what information is relevant to treating a patient.

As per **Claim 12**, Brown et al. discloses wherein said associated parameter is for use by multiple different process task sequences and is stored at a location available for access by said multiple different process task sequences (C. 2, lines 20-35; C. 4, lines 46-63).

As per **Claim 13**, Brown et al. further discloses including the activity of verifying said associated parameter is compatible with predetermined value criteria as a pre-condition to providing said parameter to said predetermined process (C. 2, lines 20-35).

As per **Claim 15**, Brown et al. further discloses including the activities of replacing initiating performance of another process with said initiating performance of said identified process (C. 8, lines 47-65).

As per **Claim 18**, Brown et al. further discloses including the activity of receiving information identifying active process instances and storing records in a database indicating said identified active process instances (C. 6, lines 13-29; C. 8, lines 43-65).

As per **Claim 25**, Brown et al. fails to explicitly disclose including the activity of searching a database containing records indicating active processes and process instances to identify active process instances of said second process to be modified in response to receiving said at least one message. However, Brown et al. discloses comparing a scheduled task to an electronic schedule to determine availability (C. 8, lines 47-65). Also, Brown et al. discloses searching a database for information (C. 23, lines 43-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include searching a database for availability times in response to a received task request, because it allows the system to determine available times to execute the task.

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8. Claims **3-4, 6-8, 16-17, 19-24, 27 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., U.S. Patent No. 6,458,080 B1. in view of Stoodley et al, Pub. No. US2004/0078236 A1.

As per **Claim 3**, Brown et al. fails to disclose wherein said message includes an event identifier identifying said event and is generated by a second process comprising a second set of tasks and including the activity of also receiving an identifier identifying a particular instance of said first process. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 4**, Brown et al. further discloses wherein said particular instance of said first process comprises a particular use of said process for a specific patient (C. 8, lines 47-65).

As per **Claim 6**, Brown et al. fails to disclose including the activity of associating in a repository, said event with a process instance identifier identifying an instance of a process comprising said sequence of tasks. However, Brown et al. discloses identifying categories of events (Tables 1-3). Further, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of

Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 7, 16, 19 and 27**, Brown et al. discloses replacing a task by another task with higher priority (C. 8, lines 47-65). Brown et al. fails to disclose an event identifier identifying said event and a process identifier identifying a target process. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 8 and 17**, Brown et al. fails to explicitly disclose including the activity of searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced. However, Brown et al. discloses comparing a scheduled task to an electronic schedule to determine availability (C. 8, lines 47-65). Also, Brown et al. discloses searching a database for information (C. 23, lines 43-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include searching a database for availability times in response to a received task request, because it allows the system to determine available times to execute the task.

As per **Claims 20 and 29**, Brown et al. discloses a method comprising:

- associating in a repository, at least one event potentially affecting healthcare delivered to a patient comprising a sequence of tasks to be performed to support healthcare delivery to a patient (C. 6, lines 13-29, 45-60; C. 7, line 36- C.8, line 16);
- receiving at least one message identifying occurrence of said event during said first process and identifying a parameter associated with said event (C. 8, lines 47-65);
- acquiring said parameter associated with said event said event and providing said parameter to an instance of a second process identified using said repository (C. 7, lines 36-65);
- determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event (C. 8, lines 47-65).

Brown et al. fails to explicitly disclose initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied. However, Brown et al. discloses scheduling a task to a task list according to task priority, available time, financial and health allowances for a user to perform. Though, if a scheduling time is not determined, prompting the user to make a manual scheduling decision (C. 7, lines 36-47; C. 9, lines 27-38). In addition, Brown et al. discloses a meeting request where there are conflicting tasks at the required meeting time. Seeing as the meeting has a higher priority, the meeting supersedes the conflicting tasks, and one of the conflicting tasks (picking up dinner) is

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done without scheduling in order to clear time for the meeting according to certain criteria (C. 8, lines 47-65; see also Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include executing a task without scheduling the task, because it allows the system to execute tasks with higher priority and reschedule other less important tasks.

Brown et al. fails to disclose a process instance identifier identifying an instance of a process, However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 21**, Brown et al. discloses initiating processing of said second process from said particular individual task in response to receiving said at least one message identifying occurrence of said event and determination said parameter is within predetermined acceptability criteria (C. 8, lines 47-65; also see Figure 3). Brown et al. fails to disclose including the activity of receiving an identifier identifying a particular individual task in said second process. Brown et al. fails to disclose a process instance identifier identifying an instance of a process, However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event

identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 22**, Brown et al. discloses wherein said parameter associated with said event is stored at a location available for access by said first and second processes (C. 2, lines 20-35; C. 4, lines 46-63).

As per **Claim 23**, Brown et al. discloses sharing data between said first and second process (C. 8, lines 47-65). Brown et al. fails to disclose sharing data comprising sharing at least one an event identifier. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

As per **Claim 24**, Brown et al. discloses modifying a task in response to an event (C. 8, lines 47-65). Brown et al. fails to disclose at least one message includes a process identifier. However, Stoodley et al. teaches an event identifier to link categories of data within a data set to a patient management cycle (0117). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Brown et al. and

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include an event identifier, because it allows the system to link specific patient data to a patient management system, which allows the system to give patient specific care.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3639

FSJ

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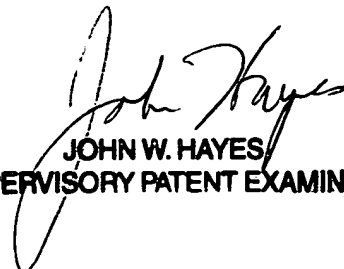
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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER